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Attorneys for Defendant David Harbour

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

United States of America,

Case No. 2:19-cr-00898-DLR (DMF)

Plaintiff,

**DEFENDANT DAVID A.**

vs.

David Allen Harbour,

## Defendant.

**DEFENDANT DAVID A.  
HARBOUR'S OBJECTION TO  
CERTAIN PROPOSED  
GOVERNMENT PROPOSED JURY  
INSTRUCTIONS**

David Allen Harbour (Defendant) objects to the following proposed government jury instructions:

**Non-Model Instruction Number 2. Victim's Negligence.** The defendant objects because the so-called "negligence" of lenders and the sole investor, Mark Burg has not been a feature of the trial. Turasky and Burg were lawyered up to the hilt and their lawyers created the documents that outlined the responsibilities of the parties to each other.

**Non-Model Instruction Number 3. Regulatory Violations.** The defendant objects because the government's total evidence with respect to regulatory violations is

1 that the FTC brought an action against entities in which defendant had an ownership  
2 interest but no participation or management oversight and against two other persons  
3 (Carrington and Rowland. But the government did not introduce any evidence with  
4 respect to the disposition of the charges. Viv-a-vis Harbour himself, Exhibit 3 is a March  
5 31, 2015 FTC Motion for the Court to order Harbour to turnover property. However, this  
6 motion was withdrawn after the FTC and Harbour entered into a no admissions  
7 settlement.

8  
9 With respect to the SEC, the investigation in which Harbour was examined under  
10 oath was into an entity named Drawbridge Financial. The government never introduced  
11 any evidence to show that Harbour had any involvement in or with Drawbridge Financial.  
12 Separate and apart from the 2016 Drawbridge Financial investigation, in 2018, Harbour  
13 and the SEC entered into a no admissions settlement of different SEC charges. The  
14 government introduced no evidence concerning the 2018 action at all.  
15  
16

17 Given that there was some evidence heard by the jury about Federal investigations  
18 that ended without any violations found on Defendant's part it is appropriate to instruct  
19 the jury. We are, today, proposing an appropriate instruction concerning the FTC and  
20 SEC investigations.  
21  
22  
23

24 RESPECTFULLY SUBMITTED this 27<sup>th</sup> day of February 2023.

25 CHRISTIAN DICHTER & SLUGA, P.C.  
26  
27 By: /s/ Stephen M. Dichter  
Stephen M. Dichter  
Justin R. Vanderveer  
28

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 27, 2023 I electronically transmitted the attached document to the Clerk's Office using the CM/ECF system for filing and for transmittal of Notice of Electronic Filing to the following CM/ECF registrants:

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